

North Tyneside Council

Report to Standards Committee

Date: 7 July 2022

Title: Proposed
Appointment of
Independent Persons

Report from Service

Area:

Law and Governance

Responsible Officer:

Jacqueline Laughton, Monitoring
Officer

Tel: 0191 643 5724

Wards affected:

All

PART 1

1.1 Executive Summary:

The Localism Act 2011 ("the Act") places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members. The Act requires the Authority to have local arrangements to handle any misconduct complaints including the appointment of Independent Persons. This report requests the Committee to recommend to Full Council that the individuals set out in section 1.2 below be appointed to the post of Independent Person for a 4-year term.

1.2 Recommendation(s):

It is recommended that the Committee:

- a) note the proposal to be made to full Council on 21 July 2022 to appoint Dr Stuart Green, Mrs Kerry Roffe and Mr Daniel John Entwisle as the Authority's Independent Persons pursuant to the requirements of the Localism Act 2011 for a period of four years to 31 July 2026; and
- b) record thanks to Mr George Clark and Mrs Stella Gardner for their service in the role of Independent Person.

1.3 Information:

1.3.1 Background

1.3.2 The functions of the Independent Person(s) are that he or she:

- must be consulted and their views taken into account before the Authority takes a decision on any allegation made against an elected member which has been investigated;
- may be consulted about any other aspect of a councillor's alleged breach of the Authority's Code of Conduct for Members; or
- may be consulted by a councillor against whom such an allegation has been made.

- 1.3.3 In addition, under the Local Authorities (Standing Orders) (England) Regulations 2001, as amended, the Authority is also required to appoint its Independent Persons to its Dismissal Advisory Committee to assist the Authority to carry out its duties under the 2001 Regulations in relation to the Authority's procedures for the discipline and (where necessary) the dismissal of Statutory Officers.
- 1.3.4 Candidates are expected to have high standards of personal conduct, tact and discretion and ideally some knowledge of local government at principal authority level. Training is given and a modest allowance paid. Initial appointments are for a four year period with a possible minimum extension of a further four years.
- 1.3.5 The law prevents a close friend or relative of any member, co-opted member or officer of the Authority concerned from applying.
- 1.3.6 In 2018, full Council agreed that the number of Independent Persons should be increased from two to three to allow greater flexibility and minimise any potential for any conflict of interest where:
- a) an Independent Person has, for example, been involved in an initial assessment decision and the complainant seeks a review of that decision; or
 - b) a member who is the subject of a complaint has contacted an Independent Person for support and that matter proceeds to a final hearing at which the Independent Persons are requested to give advice and support to the Standards Sub-Committee.
- 1.3.7 In addition, full Council agreed that the term of office of an Independent Person be no more than a maximum of ten years.
- 1.3.8 The terms of appointment of the Authority's three current Independent Persons, Mr George Clark, Ms Stella Gardner and Dr Stuart Green end on 31 July 2022. Mr Clark and Ms Gardner have now completed 10 years in total in the role as Independent Person, which is the maximum period of time agreed by full Council. They are therefore ineligible to continue for a further term. Dr Stuart Green was initially appointed to the role in 2018 for a period of 4 years.

The Recruitment Process.

- 1.3.9 A full recruitment exercise for the roles of Independent Person was commenced in early June 2022. Three applications were received as a result of the formal recruitment process. Following a shortlisting process, the three candidates including the current holder of the role of Independent Person, Dr Stuart Green, Mrs Kerry Roffe and Mr Daniel John Entwistle, were interviewed as a part of the selection process. The interviews were conducted by the Deputy Mayor, Councillor Carl Johnson, the Chair of the Standards Committee, Councillor Frank Lott and Councillor George Westwater the Conservative Group Leader, supported by the Monitoring Officer. The selection panel identified Dr Green, Mrs Roffe and Mr Entwistle to be suitable candidates for the position of Independent Person.
- 1.3.10 Committee is therefore asked to note that a recommendation will be made to full Council by the Monitoring Officer for full Council to appoint Dr Stuart Green, Mrs Kerry Roffe and Mr Daniel John Entwistle to the role of Independent Person for a period of four years until 31 July 2026.

1.4 Contact officers:

Jacqueline Laughton, Assistant Chief Executive and Monitoring Officer tel. (0191 643 5724
John Barton – Principal Lawyer, Deputy Monitoring officer tel. (0191) 643 5354
Joanne Holmes – Democratic Services. Tel (0191) 643 5315

1.5 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

The Localism Act 2011

The Local Authorities (Standing Orders) (England) Regulations 2001

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The allowance to be paid to the Independent Persons has been determined by Council. The allowance will be contained within the budget which covers the allowances payable to the Independent Persons and currently stands at £1,061 per annum per Independent Person.

2.2 Legal

The Localism Act 2011 places a statutory duty on the Authority to promote and maintain high standards of conduct by its elected and co-opted members and to appoint Independent Persons. Section 28(7) of the 2011 Act also requires the Authority to appoint at least one Independent Person to provide advice and support to the Authority in relation to the operation of the Code of Conduct for Members and ethical governance.

The appointment of an Independent Person under the Localism Act 2011 is a matter for full Council.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Consultation has been undertaken with the Chair of the Standards Committee, the Deputy Mayor and the Conservative Group Leader.

2.3.2 External Consultation/Engagement

An advert was placed on the Authority's website, the Northeast Jobs website and publicised via Social Media.

2.4 Human rights

There are no direct human rights issues arising from this report.

2.5 Equalities and diversity

The recruitment exercise was undertaken in accordance with the Authority's recruitment arrangements in relation to equality and diversity.

2.6 Risk management

It is a statutory requirement to appoint at least one Independent Person as part of the Code of Conduct arrangements that the Authority must adopt. If the appointments are not made then the Authority will not be in compliance with its statutory obligations.

2.7 Crime and disorder

There are no direct crime and disorder issues arising from this report.

2.8 Environment and sustainability

There are no direct environment and sustainability issues arising from this report.